

11-23-01

A

Practitioner's Docket No. 700157-050007-PCT

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski    Group: Not yet assigned  
 Application No.:    Not yet assigned    Examiner: Not yet assigned  
 Filed:    Herewith  
           (Continuation of PCT/US00/13715 – Filed: 19 May 2000)  
 For:    EPISOMALLY REPLICATING LENTIVIRAL VECTORS

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, on the date shown below, is being deposited with the  
 United States Postal Service with sufficient postage as Express Mail Label No. EL565093376US  
 in an envelope addressed to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box  
 2327, Arlington, VA 22202.  
 Date: 21 November 2001

*Nicole M. Gignac*  
 Nicole M. Gignac

**Box Patent Application**  
**U.S. Patent and Trademark Office**  
**P.O. Box 2327**  
**Arlington, VA 22202**

**NEW APPLICATION TRANSMITTAL**

**1. Type of Application**

This new application is for a

*(check one applicable item below)*

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☒ Continuation.
- ☐ Continuation-in-part (C-I-P).

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)**

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s).

11/21/01  
 jc962 U.S. PTO

jc957 U.S. PTO  
 09/990679  
 11/21/01

09990879 112101

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski      Group: Not yet assigned  
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**5. Declaration or Oath (including power of attorney)**

☐ Enclosed (copy from parent application)

Executed by

*(check all applicable boxes)*

☐ inventors.

☐ legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.

☒ Not Enclosed.

☐ Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

*(The declaration or oath, along with the surcharge required by 37 C.F.R. Section 1.16(e), can be filed subsequently).*

☐ Showing that the filing is authorized.

*(not required unless called into question. 37 C.F.R. Section 1.41(d))*

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

☐ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

**7. Language**

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. Section 1.52(d).

09990879-112101

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## 8. Assignment

☒ An assignment of the invention to Dana Farber Cancer Institute, Inc.

☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☒ will follow.

☐ was recorded in the parent application U.S.S.N. \_\_\_\_\_ on \_\_\_\_\_ at Reel \_\_\_\_\_ and Frame \_\_\_\_\_.

## 9. Certified Copy

Certified copy(ies) of application(s):

Country: \_\_\_\_\_ Application No.: \_\_\_\_\_ Filed: \_\_\_\_\_

from which priority is claimed

☐ is (are) attached.

☐ will follow.

## 10. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application  
☒ Small Entity – 370.00  
☐ Large Entity – 740.00

### CLAIMS AS FILED

	<u>Claims</u>	<u>Paid For</u>	<u>Extra</u>	<u>Present Rate</u>	<u>Fee</u>	<u>Addit. OR</u>	<u>Other Than A Small Entity</u>	<u>Addit. Fee</u>
Total:	15	Minus 20	0	= 0	x \$9 =		x \$18 = 0	\$ 0.00
Indep.:	2	Minus 3	0	= 0	x \$42 =		x \$84 = 0	\$ 0.00
<input checked="" type="checkbox"/> First Presentation of Multiple Dependent Claim					+ \$140		+280 =	\$ 280.00

Total  
Addit. Fee = \$

Total  
OR Addit. Fee = \$ 140.00

☐ Amendment cancelling extra claims is enclosed.

☐ Amendment deleting multiple-dependencies is enclosed.

☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ \_\_\_\_\_ .00

0990879-11101  
 TOTAL 62806660

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- B. ☐ Design application  
(\$310.00--37 C.F.R. Section 1.16(f))  
Filing Fee Calculation \$ \_\_\_\_\_
- C. ☐ Plant application  
(\$480.00--37 C.F.R. Section 1.16(g))  
Filing Fee Calculation \$ \_\_\_\_\_

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[ ] Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached  
(\$130.00; 37 C.F.R. Sections 1.47 and 1.17(i))\$

[ ] For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k))\$

[ ] Processing and retention fee  
(\$130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l))\$

[ ]	Fee for international-type search report (\$40.00; 37 C.F.R. Section 1.21(e))	\$
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**Total Fees Enclosed** \$ .00

#### 14. Method of Payment of Fees

[ ] Checks in the amount of \$\_\_\_\_\_

[ ] Charge Account No. 50-0850 in the amount of \$00.  
A duplicate of this transmittal is attached.

### 15. Authorization to Charge Additional Fees

[ ] The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-0850.

[ ] 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

[ ] 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).

[ ] 37 C.F.R. Section 1.17 (application processing fees)

[ ] 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

# THE DODGE

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**16. Instructions as to Overpayment**

- ☐ Credit Account No. 50-0850.  
☐ Refund

Date: November 21, 2001

Respectfully submitted,

Customer No.: 26248

  
Ronald Eisenstein (Reg. No. 30,628)  
NIXON PEABODY LLP  
101 Federal Street  
Boston, MA 02110  
Tel. (617) 345-6054  
Fax (617) 345-1300

**[X] Incorporation by reference of added pages**

*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

- [X] Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed**

Number of pages added 4

- [ ] Plus Added Pages for Papers Referred to in Item 4 Above**

Number of pages added \_\_\_\_\_

- [ ] Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.**

Number of pages added \_\_\_\_\_

- [ ] Plus "Assignment Cover Letter Accompanying New Application"**

Number of pages added \_\_\_\_\_

**[ ] Statement Where No Further Pages Added**

*(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

- [ ] This transmittal ends with this page.**

(New Application Transmittal—Page 7 of 7)

09990879 112101  
FOI b7E b7C b7D

11-20-63

**PATENT**

## 17. Relate Back

[X] Amend the specification by inserting, before the first line, the following sentence:

**[ ] "This application claims the benefit of U.S. Provisional Application(s) No(s):**

**FILING DATE**

\_\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_ / \_\_\_\_\_

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[X] "This application is a

[X] continuation

[ ] continuation-in-part

[ ] divisional

of copending application(s)

[ ] application number 0 / \_\_\_\_\_ filed on \_\_\_\_\_"

[X] International Application PCT/US00/13715 filed on 19 May 2000 and which designated the U.S.”

(Added Page for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed)



[illegible]**FILING DATE**

60 / 136,004

/

/

### 18. Relate Back—35 U.S.C. section 119 Priority Claim for Prior Application

Country: Application No.: Filed:

[ ] been filed on \_\_\_\_\_, in prior application 0 / \_\_\_\_\_, which was filed on \_\_\_\_\_.

## 19. Maintenance of Copendency of Prior Application

(This item **must** be completed and the papers filed in the **prior application**, if the period set in the prior application has run.)

☐ A petition, fee and response extends the term in the pending **prior** application until \_\_\_\_\_.

☐ A **copy** of the petition filed in prior application is attached.

**B. ☐ Conditional Petition for Extension of Time in Prior Application**

*(complete this item, if previous item not applicable)*

☐ A conditional petition for extension of time is being filed in the pending **prior** application.

☐ **A copy of the conditional petition filed in the prior application is attached.**

(Added Page for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed)

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## 20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

*(complete applicable item (a), (b) and/or (c) below)*

- (a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

☐ the same.

- ☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

---

*(type name(s) of inventor(s) to be deleted)*

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are

☐ the same.

- ☐ the following additional inventor(s) have been added:

---

*(type name(s) of inventor(s) to be deleted)*

- (c) ☐ The inventorship for all the claims in this application are

☐ the same.

- ☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made

☐ is submitted.

☐ will be submitted.

## 21. Abandonment of Prior Application *(if applicable)*

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

(Added Page for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed)

0990879 " 112101

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**22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

*(check the next item, if applicable)*

☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently).

**23. Small Entity (37 C.F.R. section 1.28(a))**

☒ Applicant asserts Small Entity status pursuant to (37 C.F.R. 172).

09990879-112101  
TOT2T" 64806660

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# EXPRESS MAIL CERTIFICATE

I hereby state that the following *attached* papers and fees:

1. New Application Transmittal (7 pp.);
2. Continuation Patent Application (48 pp.): Specification 36 - pp.; Claims 3 pp.; Drawings 8 - pp.; and Abstract - 1 pg.;
3. Added Pages (4 pp.);
3. Preliminary Amendment (3 pp.);
4. Return Receipt Postcard;

Nicole M. Gignac

Signature of person mailing paper or fee